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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,735

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Yehuda Turgeman

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EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT

PAPER NUMBER

2131

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/540,735

Applicant(s)

TURGEMAN ET AL.

Examiner

Christian La Forgia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/16/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 1-20 have been presented for examination.
2. Claims 21-186 have been cancelled as per Applicant's request.

#### *Priority*

3. Acknowledgment is made of applicant's claim for priority. *Information Disclosure*

#### *Statement*

4. The information disclosure statement (IDS) submitted on 16 June 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

#### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0199095 to Bandini et al., hereinafter Bandini.

7. As per claim 1, Bandini teaches a method for combating spam comprising:  
classifying a message at least partially by evaluating at least one message parameter,  
using at least one variable criterion, thereby providing a spam classification (Figure 2 [blocks 54, 56], paragraphs 0021, i.e. compare the received e-mail to the SPAM database and classify as SPAM, clean or borderline); and

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handling said message based on said spam classification (Figure 2 [blocks 58,59, 60], paragraph 0021).

8. Regarding claim 2, Bandini teaches wherein said at least one variable criterion comprises a criterion which changes over time (paragraphs 0026, 0039, i.e. attribute is the message which changes with each transmission, attribute is time of transmission).

9. Regarding claim 3, Bandini teaches wherein said at least one variable criterion comprises a parameter template-defined function (paragraph 0027, i.e. storing an index of sender fields of records in the database and comparing the sender of the message to aforementioned index).

10. Regarding claim 4, Bandini teaches wherein said classifying comprises:

said using at least one variable criterion at at least one gateway (Figure 1 [blocks 36, 46], paragraph 0026, i.e. e-mail relay performs one or more evaluation steps); and

said providing spam classifications at at least one server, receiving evaluation outputs from said at least one gateway and providing said spam classifications to said at least one gateway (Figure 1 [blocks 35, 40], paragraph 0012).

11. With regards to claim 5, Bandini teaches wherein said classifying also comprises:

encrypting at least part of said evaluation outputs by employing a non-reversible encryption so as to generate encrypted information (paragraph 0030, i.e. hash); and

transmitting at least said encrypted information to said at least one server (paragraph 0030).

12. Concerning claim 6, Bandini teaches wherein said transmitting comprises transmitting information of a length limited to a predefined threshold (paragraph 0030).
13. Regarding claim 7, Bandini teaches wherein said handling comprises at least one of:
  - forwarding said message to an addressee of said message (Figure 2 [block 58]);
  - storing said message in a predefined storage area (Figure 2 [blocks 59, 60]);
  - rejecting said message (Figure 2 [block 60]); and
  - delaying said message for a period of time and thereafter re-classifying said message (Figure 2 [block 59]).
14. Regarding claim 8, Bandini teaches wherein said message comprises an e-mail (paragraphs 0002, 0004).
15. Regarding claim 9, Bandini teaches wherein said classifying also comprises at least one of:
  - analyzing a match among network references in said message (paragraph 0027, i.e. sender fields);
  - sending information to a server and receiving classification data based on said information (paragraphs 0012, 0040);
  - employing classification data received from a server (paragraphs 0012, 0040); and
  - employing stored classification data (paragraph 0027, i.e. index in database).

16. As per claim 10, Bandini teaches a method for combating spam comprising:

classifying messages at least partially by evaluating at least one message parameter of multiple messages, by employing at least one evaluation criterion which changes over time, thereby providing spam classifications (Figure 2 [blocks 54, 56], paragraphs 0021, 0026, 0039, i.e. compare the received e-mail to the SPAM database and classify as SPAM, clean or borderline); and

handling said messages based on said spam classifications (Figure 2 [blocks 58,59, 60], paragraph 0021).

17. Regarding claim 11, Bandini teaches wherein said classifying is at least partially responsive to similarities between plural messages among said multiple messages, which similarities are reflected in said at least one message parameter (paragraphs 0026-0032, i.e. storing an index of sender fields of records in the database and comparing the sender of the message to aforementioned index).

18. Regarding claim 12, Bandini teaches wherein said classifying is at least partially responsive to similarities between plural messages among said multiple messages, which similarities are reflected in outputs of applying said at least one evaluation criterion to said at least one message parameter (paragraphs 0026-0032).

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19. Regarding claim 13, Bandini teaches wherein said classifying is at least partially responsive to similarities in multiple outputs of applying a single evaluation criterion to said at least one message parameter in multiple messages (Figure 4, paragraphs 0035-0039).

20. Regarding claim 14, Bandini teaches wherein said classifying is at least partially responsive to the extent of similarities between plural messages among said multiple messages which similarities are reflected in said at least one message parameter (paragraphs 0026-0032, 0035-0039).

21. Regarding claim 15, Bandini teaches wherein said classifying is at least partially responsive to the extent of similarities between plural messages among said multiple messages which similarities are reflected in outputs of applying said at least one evaluation criterion to said at least one message parameter (paragraphs 0026-0032).

22. Regarding claim 16, Bandini teaches wherein said classifying is at least partially responsive to the extent of similarities in multiple outputs of applying a single evaluation criterion to said at least one message parameter in multiple messages (paragraphs 0026-0032).

23. With regards to claim 17, Bandini teaches wherein said extent of similarities comprises a count of messages among said multiple messages which are similar (paragraphs 0035-0039).

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24. Regarding claim 18, Bandini teaches wherein said classifying is at least partially responsive to similarities in outputs of applying evaluation criteria to said at least one message parameter in multiple messages, wherein a plurality of different evaluation criteria are individually applied to said at least one message parameter in said multiple messages, yielding a corresponding plurality of outputs indicating a corresponding plurality of similarities among said multiple messages (paragraphs 0026-0032, 0035-0039).

25. With regards to claim 19, Bandini teaches wherein said classifying also comprises aggregating individual similarities among said plurality of similarities (paragraphs 0026-0032).

26. Concerning claim 20, Bandini teaches wherein said aggregating individual similarities among said plurality of similarities comprises applying weights to said individual similarities (Figure 4, paragraph 0037).

### *Conclusion*

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

28. The following patents are cited to further show the state of the art with respect to SPAM detection, such as:

United States Patent Application Publication No. 2003/0088627 to Rothwell et al., which is cited to show SPAM detection using a neural network.

United States Patent No. 6,769,016 to Rothwell et al., which is cited to show SPAM detection using a neural network



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United States Patent No. 7,209,957 to Rothwell et al., which is cited to show SPAM detection using a neural network

United States Patent No. 7,016,939 to Rothwell et al., which is cited to show SPAM detection using a neural network

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792.

The examiner can normally be reached on Monday thru Thursday 7-5.

30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

31. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian LaForgia  
Patent Examiner  
Art Unit 2131



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